

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)	
<i>ex rel.</i> KARL JEFFERSON and DIANA)	
JEFFERSON; THE STATE OF ILLINOIS)	
<i>ex rel.</i> KARL JEFFERSON and DIANA)	
JEFFERSON,)	
Plaintiffs,)	
v.)	Case No.: 3:17-cv-01402-SMY
)	
UNITED IRONWORKERS, INC.; KIM)	
RASNICK; BUMPY'S STEEL ERECTION,)	
LLC; D&K WELDING SERVICES, INC.;)	
and DORRIE HARRIS,)	
)	
Defendants.)	

**JOINT MOTION TO RECONSIDER COURT'S ORDER FROM MARCH 1, 2022, BY
THE UNITED STATES OF AMERICA, STATE OF ILLINOIS, AND
RELATORS KARL AND DIANA JEFFERSON**

The United States of America, the State of Illinois, and Relators Karl and Diana Jefferson, through their undersigned counsel, move for reconsideration of the Court's Order (Doc. 57) issued on March 1, 2022, and in support of the Joint Motion, state:

1. "The Federal Rules of Civil Procedure do not explicitly contemplate motions to reconsider." *Harmon v. True*, Case No. 19-cv-00461-SMY, 2019 WL 6615422, at *1 (S.D. Ill. Dec. 5, 2019). "Nevertheless, the Seventh Circuit has approved of district courts construing motions pursuant to the standards set forth in Federal Rule of Civil Procedure 59(e) or 60(b) if it appears that a party is requesting relief available under those Rules." *Id.* (citing *U.S. v. Deutsch*, 981 F.2d 299, 300 (7th Cir. 1992)). Rule 59(e) allows corrections to address "manifest errors of law or fact or to address newly discovered evidence." *Id.* (citing *Obrieht v. Raemisch*, 517 F.3d 489, 494 (7th Cir. 2008)). Rule 60(b) permits relief for several reasons, including any "reason that justifies relief."

2. On February 23, 2022, the United States of America, State of Illinois, and Relators (collectively the “Plaintiffs”) filed a Joint Stipulation for Dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1). (*See* Doc. 56).

3. The Stipulation contemplates the United States’ and State of Illinois’ dismissal of claims against Defendants United Ironworkers, Inc. (“UI”), Kim Rasnick (“Rasnick”), D&K Welding Services, Inc. (“D&K”), and Dorrie Harris (“Harris”) with prejudice as to the Covered Conduct, as that term is defined in the Election Notice (Doc. 54) and Settlement Agreements entered into between Plaintiffs and Defendants UI, Rasnick, D&K, and Harris. (*See* Doc. 56 (Stipulation for Dismissal) at ¶ 4.a.).

4. The Stipulation further contemplates dismissal without prejudice of all other claims or allegations asserted in this action against any defendant on behalf of the United States and State of Illinois. (*See id.* at ¶ 4.b.).

5. Regarding Relators Karl and Diana Jefferson, the Stipulation contemplates the dismissal of all claims in this action with prejudice. (*See id.* at ¶ 4.c.).

6. Plaintiffs filed the Joint Stipulation for Dismissal before any defendant served an answer or motion for summary judgment. *See* Rule 41(a)(1)(A)(i).

7. Additionally, no counsel has entered an appearance for any defendant, and all counsel for Plaintiffs who have appeared in the matter signed the Joint Stipulation for Dismissal. Accordingly, the Joint Stipulation for Dismissal was signed by all parties who have appeared. *See* Rule 41(a)(1)(A)(ii).

8. Moreover, as described in paragraphs 3-5 of this Motion and as provided in paragraph 4 of the Joint Stipulation for Dismissal, including subparagraphs a-e (*see* Doc. 56 (Joint Stipulation)), the Joint Stipulation for Dismissal contemplates dismissal of all of Plaintiffs’ claims against all defendants, and by virtue of that, this entire civil action.

Plaintiffs, therefore, respectfully request reconsideration of the Court's March 1, 2022 Order, and seek an Order from the Court that reflects all of Plaintiffs' claims against all defendants are properly voluntarily dismissed pursuant to Rule 41(a)(1) and as described in paragraph 4, including subparagraphs a-e, of the Joint Stipulation for Dismissal.

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